REMARKS

Claims 1, 47 and 82-112 are pending in this application. All pending claims stand rejected. By way of this paper, Claims 85 and 86 have been cancelled.

The foregoing amendments and following remarks are believed to be fully responsive to the outstanding office action, and are believed to place the application in condition for allowance.

Claim Rejections Under 35 U.S.C. § 102

Claims 1, 47, 87, 89, 93-95 and 98-112 stand rejected under 35 U.S.C. §102(b) as being anticipated by the Landsman US 4,764,815 reference.

The rejection of Claim 1 misinterprets the claim:

The invention defined in Claim 1 of the present application enables rapid and precise movement of a printing plate by reducing or eliminating the inertia of moving parts of a plate setter. That is, the printing plate slidingly engages a stationary support bed without an intervening platen that would otherwise introduce moving mass and inertia. Specifically, Claim 1 requires direct contact between the printing plate and a stationary support bed.

However, the rejection over Landsman requires that Claim 1 be interpreted such that it is a heavy intervening platen driving means, rather than the printing plate, that is in direct contact with the stationary bed. Applicant respectfully traverses such an interpretation of Claim 1 on the grounds that (1) the literal language of Claim 1 does not support such an interpretation and (2) the specification would not support such an interpretation.

A clause of Claim 1 calls for:

> *"...drive means for engaging the printing plate in direct contact with the stationary support bed and sliding the printing plate on the support bed in a direction of movement..."* (emphasis added)

Thus, the drive means of the invention defined in Claim 1 has two functions. The first is for *"engaging the printing plate in direct contact with the stationary support bed"* and the other is for *"sliding the printing plate on the support bed."* In both functions, it is clear that it is the printing plate that is *"in direct contact with the support bed"* and *"on the support bed."* To interpret the language to imply that it is the drive means that is "in direct contact with the support bed" and

"on the support bed" would be contrary to the grammatical construction of the clause.

Further, the present specification would not support the Examiner's interpretation of Claim 1. See for example the final paragraph of page 6 of the specification, which sets forth:

> *"...The plate can slide freely on an assembly of roller-bearings defining a flat plate-supporting surface...."*

See also the paragraph spanning pages 9 and 10, which states:

> *"...The system...has a table or support area 4 supporting a plate 6 to be imaged...Preferably, the support area 4 comprises an array of longitudinally arranged linear bearings 8 movably supporting the printing plate 6...."*

Additionally, it is clear from Figs. 2a and 2b that drive assembly 28 is not in contact with support area 4. Accordingly, Claim 1 can only be interpreted as requiring that the printing plate, and not the drive means, be in direct contact with and slidable on the support bed.

<u>The rejection of Claim 1 misinterprets Landsman:</u>

Landsman discloses a system for moving a printing plate that is supported on a moving platen. A movable primary platen (30) carries the printing plate, and is mounted on a movable reference platen (32). Landsman proposes holding primary platen (30) stationary while advancing reference platen (32) during the time period of the cross-tract imaging scan, and then advancing the primary platen (30) to a stop (66) on the reference platen (32) once the scan segment is completed.

The rejection of Claim 1 requires that platens 30 and 32 be interpreted as "drive means" and that the platens be in direct contact with, and slidable on stationary supporting bed 26. However, Landsman's Fig. 4 and the paragraph in the specification spanning columns 7 and 8 make it clear that platen 32 does not directly contact and slide on stationary supporting bed 26. Rather, reference platen 32 rides on air bearings 40, 42 and 46, and primary platen 30 rides on air bearings 44, 48 and 49. One skilled in the art would conclude that since air bearings are employed, air cushions must therefore exist below the platens when the platens are slidably supported on the rails. The presence of these air-bearings would prevent direct contact between the platens and the rails when the platens

are moved. Accordingly, Landsman would not anticipate Claim 1 even if the claim were to be interpreted as suggested by the Examiner in the rejection.

The rejection of Claim 47 misinterprets the claim and the Landsman reference:

The rejection over Landsman requires that Claim 47 be interpreted such that it is a heavy intervening carriage, rather than the printing plate, that is in direct contact with the stationary bed. Applicant respectfully traverses such an interpretation of Claim 47 for the reasons set forth above with respect to present Claim 1.

The rejection of Claim 87 misinterprets the Landsman reference:

Claim 87 requires the step of *"disposing a printing plate on, and in direct contact with, [a] stationary printing plate."* According to Merriam-Webster's Online Dictionary, 10th Edition, the term "directly" means "in immediate physical contact." The rejection admits that Landsman's printing plate directly contacts carriage 30, 32; and further that it is the carriage (not the printing plate) that is in direct contact with stationary support area 26, 28. The conclusion set forth in the office action that "therefore the plate directly contacts the stationary support area" is not supported by the Landsman disclosure.

The rejection of Claim 89 misinterprets the claim and the Landsman reference:

The rejection over Landsman fails at least for the same reasons that the rejection of Claim 47 fails. Claim 89 further includes the phrase *"as the carriage slides the printing plate on the stationary support bed"* which make it even clearer that it is the printing plate that slides on the stationary support bed, not the carriage.

The rejection of Claim 93 misinterprets the Landsman reference:

The rejection of Claim 93 over Landsman fails at least for the same reasons that the rejection of Claim 87 fails.

The rejection of Claim 94 misinterprets the Landsman reference:

Claim 94 requires that the stationary support surface *"directly [supports] the printing plate with one face of the printing plate in sliding contact with the support surface...."* According to Merriam-Webster's Online Dictionary, 10th Edition, the term "directly" means "in immediate physical contact." Landsman's printing plate directly contacts carriage 30, 32; and that it is the carriage (not the

printing plate) that is in direct sliding contact with stationary support area 26, 28. The conclusion in the office action that "therefore the plate is in direct contact with the support surface" is not supported by the Landsman disclosure.

The rejection of Claim 95 misinterprets the Landsman reference:

The rejection of Claim 95 over Landsman fails at least for the same reasons that the rejection of Claim 94 fails.

The rejection of Claim 98 misinterprets the Landsman reference:

Claim 98 requires that the printing plate is maintained *"in direct contact with the support bed."* The office action notes that the printing plate of Landsman "contacts the platen which contacts the support bed, therefore, the plate is in contact with the support bed." The office action ignores the claim requirement that the plate must be in "direct" contact with the support bed. According to Merriam-Webster's Online Dictionary, 10th Edition, the term "directly" means "in immediate physical contact." Landsman's printing plate directly contacts carriage 30, 32; and it is the carriage (not the printing plate) that is in direct sliding contact with stationary support area 26, 28. The conclusion in the office action that "therefore, the plate is in contact with the support bed" is not relevant to the structure claimed.

Claims 99-112 depend from one of independent Claims 1, 47 and 98 and are allowable therewith. They set forth additional features that are not disclosed in the primary reference to Landsman.

Claim Rejections Under 35 U.S.C. § 103

Claim 82 is patentable over Landsman in view of Rinke et al.:

Claim 82 depends from, and is patentable with, Claim 47. Claim 82 further requires that the carriage have a base under a support bed. The base has suction cups disposed at a level where the printing plate is in direct contact with the stationary supporting bed. The rejection suggests that it would have been obvious to further modify Landsman in view of Rinke to use vacuum to secure the printing plate to Landsman platen. However, Claim 82 does not recite using vacuum to secure the printing plate to the supporting bed or platen as taught by Rinke et al. The suction cups in the present invention are mounted on a portion of the movable carriage. The carriage transports the plate through the system. The

supporting bed upon which the plate is supported remains stationary. Since the supporting bed in both Landsman and Rinke et al is a movable element to which the plate to be imaged is affixed, it is clear that neither reference teaches a movable carriage that includes suction cups disposed at a level where the printing plate is in direct contact with a stationary supporting bed. Modifying Landsman with the vacuum system of Rinke et al would merely result in securing the printing plate to the movable platen with a vacuum.

Claims 83, 84 and 88 are patentable over Landsman in view of Helms:

Claims 83, 84 and 88 depend from one of independent Claims 1 and 47, and are allowable therewith. They set forth additional features that are not disclosed in the primary reference to Landsman.

Claim 90 is patentable over Landsman in view of Morita et al.:

Claim 90 depends from independent Claim 47 and is allowable therewith. Claim 90 further requires front and rear sensors for detecting a printing plate ahead (front sensor) and behind (rear sensor) the plate being imaged. While the office action suggests that Morita et al. discloses *"that the starting and ending of operation at each stage and starting and ending of transfer and locating the work are performed by various sensors,"* the office action does not allege that the references, taken alone or in combination, disclose front and rear sensors for detecting a printing plate ahead or behind the plate being imaged. To establish *prima facie* obviousness, all the claim limitations must be taught or suggested by the prior art. *See* MPEP 2143.03. It is well established in the law that, for a proper rejection of a claimed invention on the basis of obviousness under 35 U.S.C. 103, the references relied upon must teach every element of the claimed invention. Morita et al. fails to disclose the information undisclosed by Landsman. Assuming arguendo that the references might be capable of combination, there is at least one limitation in the claimed invention that is not disclosed by the references individually or in combination. "Each element of a claim is material." *Ashland Oil,* Inc. v. *Delta Resins & Refractories, Inc.,* 227 USPQ 657,666 (Fed. Cir., 1985)

The rejection of Claims 91 and 92 misinterpret the Landsman reference:

The rejection over Landsman fails at least for the same reasons that the rejection of Claims 47 and 87 fail, respectively. Claim 91 and 92 further require

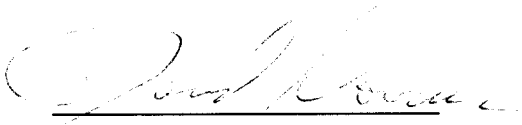
that the carriage be "substantially narrower than the width of the printing plate across the direction of movement of the printing plate." Landsman does not disclose this feature.

Claims 96 and 97 depend from independent Claim 95 and are allowable therewith. They set forth additional features that are not disclosed in the primary reference to Landsman.

It is respectfully submitted that, in view of the above amendments and remarks, this application is now in condition for allowance, prompt notice of which is earnestly solicited.

The Examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this application towards allowance.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.